

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - * **Petitions if any.**
 - * **Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

**Montana Historical Society
Archives
225 N. Roberts
Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton**

BUSINESS REPORT
MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION
SENATE JUDICIARY COMMITTEE

Date: Monday, March 25, 2013
Place: Capitol

Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

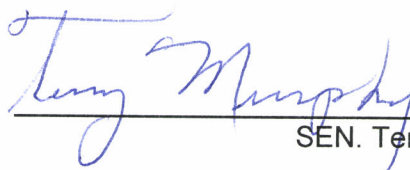
HB 104 - Criminalize offenses involving death to an unborn child - Rep. Keith Regier
HB 233 - Generally revise 24/7 sobriety program - Rep. Steve Lavin

EXECUTIVE ACTION TAKEN:

SR 5-BE ADOPTED
SR 6-BE ADOPTED
SR 7-BE ADOPTED
SR 27-BE ADOPTED

HB 345-BE CONCURRED IN/AMENDED/MOTION WITHDRAWN

Comments:



SEN. Terry Murphy, Chair

MONTANA STATE SENATE

2013 JUDICIARY COMMITTEE

ROLL CALL

DATE: 3/25/13

| <u>NAME</u> | <u>PRESENT</u> | <u>ABSENT/ EXCUSED</u> |
|------------------------------------|----------------|----------------------------|
| CHAIRMAN, SENATOR TERRY MURPHY | / | |
| VICE CHAIRMAN, SENATOR SCOTT SALES | / | |
| SENATOR SHANNON AUGARE | / | |
| SENATOR ANDERS BLEWETT | / | |
| SENATOR SCOTT BOULANGER | / | |
| SENATOR JOHN BRENDEN | | / |
| SENATOR ROBYN DRISCOLL | / | |
| SENATOR JENNIFER FIELDER | / | |
| SENATOR LARRY JENT | / | |
| SENATOR CLIFF LARSEN | / | |
| SENATOR CHAS VINCENT | | / |
| SENATOR ART WITTICH | / | |
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SENATE STANDING COMMITTEE REPORT

March 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Resolution 5** (first reading copy -- white) **be adopted**.

Signed: _____

Terry Murphy
Senator Terry Murphy, Chair

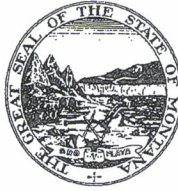
- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SR0005001SC.swr



SENATE STANDING COMMITTEE REPORT

March 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Resolution 6** (first reading copy -- white) **be adopted**.

Signed: _____

Terry Murphy
Senator Terry Murphy, Chair

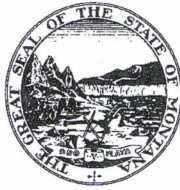
- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SR0006001SC.swr



SENATE STANDING COMMITTEE REPORT

March 25, 2013
Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Resolution 7** (first reading copy -- white) **be adopted**.

Signed: _____

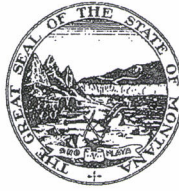
Terry Murphy
Senator Terry Murphy, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐



PRELIMINARY
SENATE STANDING COMMITTEE REPORT

March 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Resolution 7** (first reading copy -- white) **be adopted**.

Signed:

A handwritten signature in cursive script, appearing to read "Terry Murphy", is written over a horizontal line. Below the line, the text "Senator Terry Murphy, Chair" is printed in a serif font.

- END -

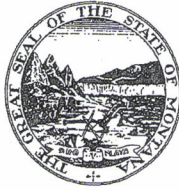
This Senate Resolution will be placed on Order Of Business #11, Special Orders of the Day on a future agenda. It will not be reprinted, so please save this copy.

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SR0007001SC.swr



SENATE STANDING COMMITTEE REPORT


March 25, 2013

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Resolution 27** (first reading copy -- white) **be adopted**.

Signed:


Senator Terry Murphy, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SR0027001SC.swr

SENATE PROXY

I, Senator Vincent, hereby authorize Senator
SALES to vote my proxy before the
Senate JUDICIARY meeting held on
 , 2013.

Chas Vincent
Senator Signature (Sen. Chas Vincent)

3/25/13 Date


Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Bromberg, hereby authorize Senator
SALES to vote my proxy before the
 Senate JUDICIARY meeting held on
 , 2013.



Senator Signature (Sen. John Brenden)

3/25/13 Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator DRISCOLL, hereby authorize Senator
LARSEN to vote my proxy before the
Senate JUDICIARY meeting held on
 , 2013.

Robyn Driscoll
Senator Signature (Sen. Robyn Driscoll)

3/25/15 Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Monday, March 25, 2013

HB 233 - Generally revise 24/7 sobriety program

Sponsor: Rep. Steve Lavin

PLEASE PRINT

| Name | Representing | Support | Oppose | Info |
|-------------------|-----------------------------------|---------|--------|------|
| Perry W. Miller | MMA - Blaine Co. | X | | |
| Fern Osler | BOPP | X | | X |
| Mike Swingley | Lin Co Justice Ct | X | | |
| Kelly Russell | Big Sky Mountain | X | | |
| Pat Ross | Custer County Sheriff | X | | |
| Chuck Curry | Flathead Co. Sheriff | X | | |
| Leo S. Dutton | Lewis & Clark Co Sheriff | X | | |
| Jon Bennion | Attorney General Fox | X | | |
| Jon Baur | MLP | X | | |
| Danny Coyle | MOAA / MACO / MPA | X | | |
| Sarah Rossi | MCADSV | X | | |
| Betsy Studevant | MADD / MCSC | X | | |
| Jane du Hammon | MT Traffic Ed Assoc | X | | |
| Brian Gootkin | Gallatin County Sheriff | X | | |
| Matthew Cochenour | Montana Attorney General's Office | | | X |
| Ali Boringan | Governor's Office | X | | |
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Monday, March 25, 2013

HB 104 - Criminalize offenses involving death to an unborn child

Sponsor: Rep. Keith Regier

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana State Legislature

2013 SESSION ADDITIONAL DOCUMENT

This is an

ADDITIONAL DOCUMENT

which was submitted
after the committee hearing
was ended and/or was
submitted late, but regarding
information in the committee
hearing.

**Montana Historical Society
Archives**

225 N. Roberts

Helena MT 59620-1201

2013 Legislative Scanner Susie Hamilton

ADDITIONAL DOCUMENTS

Oppose HB 104: An Act Creating Criminal Offenses Involving Death to an 'Unborn Child'

Sponsored by Rep. Regier (R-Kalispell)

HB 104 amends two criminal statutes related to homicide to include acts against an 'unborn child.' These crimes would be separate and distinct from acts of violence committed against a pregnant woman.

- **This legislation devalues pregnant women.** Instead of focusing on the problem of violence against women, this legislation ignores the harm that women suffer when they lose a pregnancy as a result of a violent act. This bill focuses on inserting anti-abortion rhetoric into the state's criminal code.
- The Montana Legislature should focus on prosecuting violence against pregnant women *without undermining a woman's constitutionally protected right to choose*. The loss of a wanted pregnancy is a terrible and traumatic event, and our laws should reflect that reality. But we should protect pregnant women without becoming entangled in the abortion debate.
- **HB 104 creates a legal tension with a woman's right to choose under *Roe v. Wade*** by granting legal "personhood" to an embryo or fetus. We support and continue to push for responsible proposals that would impose harsh penalties on those who commit violence against pregnant women- without eroding the protections of *Roe v. Wade*. The bill's use of the term 'unborn child' demonstrates the true purpose of this bill: to undermine a woman's right to choose. Let's not put politics ahead of punishing those who commit acts of violence against pregnant women.
- Additionally, the prosecution of these new crimes would require investigating just what happened inside the pregnant woman's body to cause the death of injury of the fetus and sharing that information with the alleged perpetrator.
- **Let's support a better solution.** The pro-choice community and the domestic violence community work together to find real, commonsense solutions to the problem of violence against pregnant women. We urge your support for bills like the Pregnant Women and Unborn Children Protection Act (HB 585, 2005) sponsored by Representative John Parker, which would have increased the penalties for forcible felonies and assaults committed against pregnant women. Motherhood protection acts such as HB 585 would ensure that violence against pregnant women is punished to the fullest extent of the law, without compromising a woman's access to safe, legal abortion care.

Prepared by the Montana Reproductive Rights Coalition
P.O. Box 226, Helena, MT

- Because this legislation is a disingenuous attempt to protect pregnant women from violence, we encourage members of the Senate Judiciary Committee to vote **NO** on HB 104 and support other proactive measures to prevent violence against all women, including women that are pregnant.
- In states that currently have statutes similar to those proposed in HB 104, the statutes are not being utilized, difficult to prosecute and therefore rarely result in a conviction. In contrast, those states whose statutes focus on the violence against the pregnant woman, find it easier to prosecute and obtain convictions.